

Application No.: 10/767114  
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### **III. Remarks**

Pursuant to the communication of November 2, 2005, the examiner has not entered the response filed August 22, 2005 as being non-responsive since applicant's claims were previously directed to the subcombination of a retaining device alone.

Applicant traverses this non-entry of the amendment with regard to the stated rationale.

The examiner's characterization of the invention as the retaining device alone is incorrect. Claims 21-24 were previously in the application and were acted on by the examiner in the office action dated May 26, 2005. Thus, claims directed to the combination of retaining device and the containers were in the case and acted upon by the office without objection.

To clarify the scope of the revised claims applicant has limited the combination of retaining device and containers by adding the requirement that at least one of the containers be filled with a material for dental restorative work. The preamble to the claims has been retained in its original form of either a retaining device [claims 1-20] or a container arrangement [claims 21-24]

Claims 13-24 were in the case. Claims 25-28 have been added. Claim 23 has been cancelled.

Claim 14 stands rejected under 35 USC 112. Claim 14 has been amended.

Claims 13-19 and 21-24 stand rejected under 35 USC 102(b) over Ranson and Iacono; claim 20 stands rejected under 35 USC 103(a) over Ransom and Eliassen.

Claims 13, 21 and 24 have been amended.

The claims have been amended to more clearly set out that the invention is a device for retaining and/or arrangement of containers of which at least one is filled with material for dental restorative work. New claims 25 and 27-28 also relate to the supply of at least one material for dental restorative work

None of the references cited by the examiner relate to such retaining devices or container arrangements or to the components recited in the claims herein. Existing claim 24, which recited

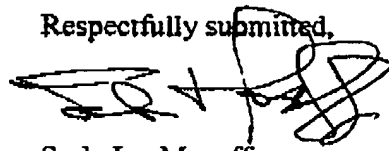
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at least one material for dental restorative work was interpreted by the examiner as being an intended use. This claim has been clarified to indicate that the at least one material for dental restorative work is an essential part of the container arrangement.

Any fee due with this paper, not fully covered by an enclosed check, may be charged on Deposit Account 50-1290.

Respectfully submitted,



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